

At the appropriate place, insert the following:

**SEC. . JACKSON HOLE, WYOMING RADAR UNIT.**

(a) Priority consideration shall be given to the Jackson Hole, Wyoming, Airport for an ASR-11 radar unit or provisions shall be made for the acquisition or transfer of a comparable radar unit.

**SA 1957.** Mr. SHELBY (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. .** Within the funds provided for the Federal Aviation Administration's Facilities and Equipment account, no less than \$14,000,000 shall be available for the Technical Center Facilities in New Jersey.

**SA 1958.** Mr. SHELBY (for Mr. FRIST) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

To insert at the appropriate place.

**SEC. .** To the extent that funds provided by the Congress for the Memphis Medical Center light rail extension project through the Section 5309 "new fixed guideway systems" program remain available upon the close-out of the project, FTA is directed to permit the Memphis Area Transit Authority to use all of those funds for planning, engineering, design, construction or acquisition projects pertaining to the Memphis Regional Rail Plan. Such funds shall remain available until expended.

**SA 1959.** Mr. SHELBY (for Mr. WARNER (for himself and Mr. JEFFORDS)) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 114 the following:

**SEC. 115.** Of the amount appropriated or otherwise made available for Transportation, Planning, and Research, \$850,000 shall be available for interior air quality demonstration activities at the Bristol, Virginia, control facility to evaluate standard industrial fuel system performance and efficiency with drive-by-wire engine management and emissions systems and \$1,000,000 shall be available for the Market Street enhancement project in Burlington, VT.

**SA 1960.** Mr. SHELBY (for Mr. WARNER) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 17, strike line 12 and insert the following:

GMU ITS, Virginia, \$1,000,000  
George Washington University, Virginia Campus, \$1,000,000

**SA 1961.** Mr. SHELBY (for Mrs. MURRAY) proposed an amendment to the

bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in the bill, insert:  
**SEC. .** Of the funds made available or limited in this Act, \$3,000,000 shall be available for improvements to Bowman Road and Johnnie Dodds Boulevard, Highway 17, Mt. Pleasant, SC; \$1,000,000 shall be for the Arkwright connector and no funds shall be available for the Northwest Bypass project.

**SA 1962.** Mr. SHELBY (for Mr. FRIST) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert:

**SEC. 361.** Section 30303(d)(3) of the Transportation Equity Act for the 21st Century (Public Law 105-178) is amended by inserting at the end:

"(D) Memphis-Shelby International Airport intermodal facility."

**SA 1963.** Mr. SHELBY (for Mr. CHAMBLISS (for himself and Mr. MILLER)) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in the bill, insert:  
"G.P. . Within available funds provided for "Facilities and equipment," \$1,500,000 shall be provided for a precision instrument approach landing system (ILS) at Lee Gilmer Memorial Airport, Gainesville, Georgia."

**SA 1964.** Mr. MCCONNELL (for Ms. COLLINS, (for herself, Mr. KENNEDY, Ms. MIKULSKI, and Mr. CARPER)) proposed an amendment to the bill H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

**SEC. .** (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of an executive agency that, on or after the date of the enactment of this Act, is performed by executive agency employees unless the conversion is based on the results of a public-private competition process that (1) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of (A) 10 percent of the cost of performing the activity with government personnel or, if a most efficient organization has been developed, 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000. (2) With respect to the use of any funds appropriated by this Act for the Department of Defense—

(1) Subsections (a), (b), and (c) of section 2461 of title 10, United States Code do not

apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(2) Nothing in this section shall effect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(3) The conversion of any activity or function of an executive agency in accordance with this section shall be credited toward any competitive or outsourcing goal, target or measurement that may be established by statute, regulation or policy and shall be deemed to be awarded under the authority of and in compliance with section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or section 2304 of title 10, United States Code, as the case may be, for the competition or outsourcing of commercial activities.

(b) In this section, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(c) Nothing in this section shall be construed to effect, amend or repeal Section 8014 of the Defense Appropriations Act, 2004 (Public Law 108-87).

## NOTICES OF HEARINGS/MEETINGS

### SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I announce for the information of the Senate and the public that the following hearing has been scheduled before the subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 30, 2003 at 10 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1241, to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; S. 1364, to amend the Alaska National Interest Lands Conservation Act to authorize the payment of expenses after the death of certain Federal employees in the State of Alaska; S. 1433, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the State of New Hampshire and Vermont; S. 1462, to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes.

Because of the limited time available for the hearings, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Pete Lucero at (202) 224-6293.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, October 23, 2003, at 10:30 a.m., in executive session to discuss pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 23, 2003, at 10 a.m. to conduct a hearing on Proposals for Improving the Regulation of the Housing GSEs.

The Committee will also vote on the nominations of the Hon. Roger W. Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System; the Hon. Ben. S. Bernanke, of New Jersey, to be a member of the Board of Governors of the Federal Reserve System; and the Hon. Paul S. Atkins, of Virginia, to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 23, 2003, on pending Committee business off the floor in the President's room, immediately after the first vote of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, October 23 at 9:30 a.m. to consider S. 994, the Chemical Security Act of 2003, and S. 1757, the John F. Kennedy Center Act.

The business meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection it is so ordered.

##### COMMITTEE ON FINANCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Com-

mittee on Finance be authorized to meet during the session on Thursday, October 23, 2003, at 2 p.m., to hear testimony on Company Owned Life Insurance.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 23, 2003, at 9:30 a.m., to hold a hearing on Post 9/11 Visa Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Federal and State Role in Pharmacy Compounding and Reconstitution: Exploring the Right Mix to Protect Patients during the session of the Senate on Thursday, October 23, 2003, at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. SHELBY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 23, 2003, at 9:30 a.m. in Dirksen Room 226.

#### Agenda:

I. Nominations: Henry W. Saad to be United States Circuit Judge for the Sixth Circuit; Dora L. Irazarray to be United States District Judge for the Eastern District of New York; Dale S. Fischer to be United States District Judge for the Central District of California; Gary L. Sharpe to be United States District Judge for the Northern District of New York; and William K. Sessions III to be a Member of the U.S. Sentencing Commission.

II. Bills: S. 1545, Development, Relief, and Education for Alien Minors Act of 2003 (the DREAM Act) [Hatch, Durbin, Craig, DeWine, Feingold, Feinstein, Grassley, Kennedy, Leahy, Schumer]; S. 1720, A bill to provide for Federal court proceedings in Plano, Texas [Cornyn]; S. 1743, Private Security Officer Employment Authorization Act of 2003 [Levin, Schumer]; S. 1194, Mentally Ill Offender Treatment and Crime Reduction Act of 2003 [DeWine, Durbin, Grassley, Hatch, Leahy]; S. Res. 239, Designating November 7, 2003, as "National Native American Veterans Day" to honor the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States [Campbell]; and S. Res. 240, A resolution designating November 2003 as "National American Indian Heritage Month" [Campbell, Hatch].

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 23, 2003, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. SHELBY. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on Thursday, October 23, 2003, at 2:30 p.m. Railroad Shipper Issues and S. 919, Railroad Competition Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that privilege of the floor be granted to Peter Winokur, a fellow on my staff, during consideration of this Transportation appropriations bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### CAN-SPAM ACT OF 2003

On Wednesday, October 22, 2003, the Senate passed S. 877, as follows:

S. 877

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### TITLE I—CONTROLLING THE ASSAULT OF NON-SOLICITED PORNOGRAPHY AND MARKETING ACT OF 2003

##### SEC. 101. SHORT TITLE.

This title may be cited as the "Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003", or the "CAN-SPAM Act of 2003".

##### SEC. 102. CONGRESSIONAL FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds the following:

(1) Electronic mail has become an extremely important and popular means of communication, relied on by millions of Americans on a daily basis for personal and commercial purposes. Its low cost and global reach make it extremely convenient and efficient, and offer unique opportunities for the development and growth of frictionless commerce.

(2) The convenience and efficiency of electronic mail are threatened by the extremely rapid growth in the volume of unsolicited commercial electronic mail. Unsolicited commercial electronic mail is currently estimated to account for over 45 percent of all electronic mail traffic, up from an estimated 7 percent in 2001, and the volume continues to rise. Most of these unsolicited commercial electronic mail messages are fraudulent or deceptive in one or more respects.

(3) The receipt of unsolicited commercial electronic mail may result in costs to recipients who cannot refuse to accept such mail and who incur costs for the storage of such mail, or for the time spent accessing, reviewing, and discarding such mail, or for both.

(4) The receipt of a large number of unsolicited messages also decreases the convenience of electronic mail and creates a risk